



TESTIMONY OF LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

Thank you for the opportunity for the Lawyers' Committee to participate in this hearing. My name is Joe Rich and I am Project Director of the Fair Housing and Community Development Project at the Lawyers Committee for Civil Rights under Law.

The Lawyers' Committee is a nonpartisan, nonprofit organization established in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The mission of the Lawyers' Committee continues to be securing equal justice under law for those most subject to discrimination in our country. The Lawyers' Committee fulfills its mission by using the skills and resources of private law firms to address matters of racial justice and economic opportunity through legal action, transactional legal services, public policy reform, and public education. For over four decades, the Lawyers' Committee has advanced racial, ethnic and gender equality through a highly effective and comprehensive program, primarily in the areas of educational, fair employment and business opportunities, community development, fair housing, environmental health and justice, and meaningful participation in the electoral process.

In the wake of Hurricanes Katrina and Rita, Barbara Arnwine, Executive Director of the Lawyers' Committee, established a Disaster Survivors Legal Assistance Initiative to address problems that victims of the disaster were experiencing in our core areas of work – fair housing and community development, voting, employment, environmental justice and education. This Initiative is receiving very high priority in the work of the Lawyers' Committee. There has been particular emphasis on housing and community development issues on the Mississippi Gulf Coast and in New Orleans. In addition to myself, there are two staff attorneys assigned to the Fair Housing and Community Development Project and since the hurricane I estimate that 80-90% of our time has been spent on this initiative. The Lawyers' Committee's Voting Rights Project has also been devoting extensive resources to the voting rights of persons evacuated as a result of the hurricanes, particularly in New Orleans where local elections were recently rescheduled for April 22.

Attachment A to this written testimony describes the activities of the Fair Housing and Community Development Project in response to the hurricanes. One of the activities listed is the filing of complaints with HUD on behalf of the Greater New Orleans Fair Housing Action Center (GNOFHAC). In these complaints, the GNOFHAC alleges that five internet websites that had been set up as housing advertising sites for Hurricane Katrina victims, were listing explicitly discriminatory advertisements in violation of the Fair Housing Act. In his letter to me on February 22, Congressman Ney specifically asked for comments on this issue. Accordingly, I will discuss it first.

I. DISCRIMINATORY ADVERTISING FOR HOUSING ON THE INTERNET

The internet sites that are the subject of the HUD complaints included advertisements that subjected families looking for housing to numerous offensive and shocking ads, including statements such as “not racist but white only,” “2 bedrooms, pvt bath, use of whole home, for white family of up to 5” and “[w]e would prefer a middle class white family.” Under the Fair Housing Act, if such advertising were published in a newspaper, it would be a clear violation of Section 804(c) which prohibits notices, statements or advertising with respect to the sale or rental of housing “which indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin. . . .” In the complaints filed with HUD against the internet websites, we maintain that such discriminatory housing advertising posted on websites also violates the Fair Housing Act. However, Section 230(c)(1) of the Communications Decency Act (CDA) provides an argument that providers of “interactive computer service” are immune from such claims, because of the following language: “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”

In recent years, there have been several fair housing act claims against internet providers for discriminatory advertising. The broad immunity defense provided by the CDA is now routinely and, on one occasion successfully, invoked to dismiss this kind of Fair Housing Act claim even though the language plainly states that the CDA immunizes internet providers only “from liability from *defamatory* or *obscene* speech” when the defamatory or obscene material is provided by someone else.

If courts accept the distinction urged by internet providers that there is a difference between housing advertising in the print media and such advertising or posting on the internet, the result would be absurd – discrimination that is illegal in print media would be permitted on the internet. To make this proposition even more absurd, housing advertising on the internet is growing significantly while declining in the print media. **To avoid the growing litigation on this issue, we strongly urge Congress to adopt a simple amendment to the CDA which makes clear that nothing in the CDA limits the application of federal civilrights laws, including the Fair Housing Act or any similar state law.**

II. THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING

A broader fair housing concern related to housing relief for hurricane victims is ensuring compliance with Section 808(d) and (e) of the Fair Housing Act, 42 U.S.C. §§ 3608(d), (e) which requires federal agencies (and agencies receiving federal housing assistance) to administer all programs and activities related to housing “in a manner affirmatively to further” fair housing. This provision imposes “a substantive obligation to promote racial and economic integration” in administering federal housing programs. *Alschuler v. HUD*, 686 F.2d 472, 482 (7th Cir. 1982). Furthermore, an agency’s affirmative duty is not merely to refrain from discrimination, but to use federal programs

to actively promote the goals of the Fair Housing Act – including, of course, not contributing to the displacement and exclusion of minorities.¹ At a minimum, this obligation to affirmatively further fair housing requires those administering federal funds to consider the effects of housing policy decisions on racial segregation.² Certainly, “[t]he absence of any record of fair housing considerations,” *Langlois*, 234 F. Supp. 2d at 78, runs afoul of the Section 3608 affirmative obligations.

There are several housing issues related to hurricane relief that raise serious Section 808 compliance concerns, which are discussed below. In particular, we are concerned that the federal housing response through agencies such as FEMA and HUD is proceeding without proper consideration of fair housing issues – and as a result may exacerbate segregation and exclusion of African-Americans from coastal areas devastated by the storm. It would be a cruel turn of events indeed if, having spent the days and weeks following Katrina confronting the impact of urban policies which concentrate and abandon large numbers of poor people, our federal government ignores issues of exclusion and segregation in its long-term response.

A. Use of Community Development Block Grant (CDBG)

Among the Lawyers’ Committee’s chief concerns is that low- and moderate-income renters and homeowners, particularly African Americans, not be left behind in federal and state reconstruction and rebuilding programs. Given the destruction of much affordable rental housing in the storm, and the subsequent loss of many affordable units in areas where rents have skyrocketed and eviction proceedings have been filed at an alarming rate, the threat that many low-income renters will be permanently displaced from the Gulf Coast is all too real.

One federal program especially well-suited to support the rehabilitation and rebuilding of affordable rental and owner-occupied housing in a manner that furthers fair housing for minorities is the CDBG program. The Defense Department appropriations bill, signed into law at the end of December 2005, includes a spending reallocation of \$11.5 billion in CDBG funding for disaster relief, long-term recovery, and restoration of infrastructure in the states most heavily impacted by hurricanes Katrina, Rita, and Wilma. HUD subsequently announced that Mississippi was allocated approximately \$5 billion

¹ See *NAACP, Boston Chapter v. Sec’y of HUD*, 817 F.2d 149, 154-55 (Breyer, J.) (1st Cir. 1987); *Anderson v. Alpharetta*, 737 F.2d 1530, 1535 (11th Cir. 1984); see also *Langlois v. Abington Hous. Auth.*, 234 F. Supp. 2d 33, 72 (D. Mass. 2002).

² In the seminal *Shannon v. HUD*, 436 F.2d 809, 820 (3d Cir. 1970), the Third Circuit found an agency’s failure to consider the effects of its housing policies on racial segregation “impermissible.” The holding is clear: an agency cannot meet its affirmative obligations unless it gathers data and considers all relevant racial and socioeconomic factors related to its decision’s effects. See *id.* at 822-23, 821. Numerous precedents similarly require agencies to collect data and consider the racial impacts of their housing decisions. See, e.g., *Alschuler v. HUD*, 686 F.2d 472, 482 (7th Cir. 1982); *Langlois v. Abington Hous. Auth.*, 234 F. Supp. 2d 33, 78 (D. Mass. 2002); *Project B.A.S.I.C. v. Kemp*, 776 F. Supp. 637, 642 (D.R.I. 1991); *Young v. Pierce*, 685 F. Supp. 975, 978 (E.D. Tex. 1988); *Business Ass’n of Univ. City v. Landrieu*, 660 F.2d 867, 869 (3d Cir. 1981); *Jones v. Tully*, 378 F. Supp. 286, 292 (E.D.N.Y. 1974); *Blackshear Residents Org. v. Housing Auth. of the City of Austin*, 347 F. Supp. 1138, 1147 (W.D. Tex. 1971).

and Louisiana, \$6.2 billion. However, this spending may not reach the households most in need. While under the appropriations bill at least 50 percent of the funds must benefit primarily people with low and moderate incomes in each state (a reduction itself from the normal 70% CDBG requirement), HUD may waive even this requirement if it finds a “compelling need” to do so.³

Each state must submit to HUD a plan for the proposed uses of the special CDBG funding allocated to them. Thus, the states have very broad leeway on how much of the funds to use for housing and what type of housing activities to fund. The present proposals for use of CDBG funds in the plans for Mississippi and Louisiana focus almost entirely on the housing needs of homeowners who did not have flood insurance. Reports of the proposed plans for each state indicate that the CDBG funds will be used to provide grants of up to \$150,000 to homeowners whose property was flooded by the hurricane and who live outside the federally designated flood zone. There can be no doubt that homeowners throughout the Gulf Coast suffered devastating housing losses and that directing CDBG funds to address their needs is essential.

At the same time, the plans badly neglect the needs of the poorest of the citizens affected by the hurricane. There is nothing in the reported state plans which commit 50% of the CDBG money to low and moderate homeowners. Furthermore, other aspects of these plans are likely to lead to the exclusion of even more lower-income, minority homeowners from eligibility for CDBG financial assistance. For example, the proposed plan for Mississippi requires that for a homeowner to be eligible for a grant, he or she must have maintained homeowners’ insurance on his or her property – a requirement that will exclude homeowners who are poor or on fixed incomes and often can not afford such insurance.⁴

These shortcomings raise basic other fair housing concerns. It is well documented that low and moderate income persons are disproportionately minority. Moreover, this group is also disproportionately renters. The failure to adequately address the needs of these victims of the hurricane is a failure to affirmatively further fair housing. The lack of commitment in either of the proposed plans to renters is a very stark example of this failure to meet the Fair Housing Act’s requirement that federal housing assistance be used to affirmatively further fair housing. We are hopeful that before these plans are finalized and submitted to HUD, changes will be made to the plans to meet this duty and provide appropriate housing assistance be provided to low income people in the disaster areas. At a minimum, it is fair to require the plans submitted by the states to demonstrate how those plans meet the variety of housing needs, particularly those of lower income people which are *not* being met by existing federal programs. **But should this not occur, it is particularly important that HUD ensure this Fair Housing Act**

³ More recently, on February 16, the Bush Administration proposed a supplemental funding bill that would provide an additional \$4.2 billion in CDBG funding for Louisiana.

⁴ The Mississippi plan is especially troubling because the Governor’s Commission report specifically includes a recommendation that a portion of CDBG funds should be directed to very low income people, especially renters trying to become homeowners, and that such grants should be run through the Enterprise Corporation of the Delta and a proposed new state Community Development Entity.

requirement is met when it reviews the plans submitted by Mississippi and Louisiana, as well as the expected requests for waivers of the provision in the December, 2005 appropriation requiring 50% of the funds be used to benefit low and moderate income people. Indeed, it is hard to see how the “compelling need” standard of the appropriations bill could be fairly met if the effect of the waiver is to reduce the amount of CDBG funds for low moderate income persons is waived.

B. Loss and Threatened Loss of Affordable Housing

Equally troubling is that the proposed plans for Mississippi and Louisiana do not include adequate provisions for rehabbing or rebuilding of federally subsidized/affordable housing in disaster areas. The conference report accompanying the Department of Defense appropriations bill includes two directives intended to promote the preservation of affordable housing that relies on project-based assistance. First, Congress directed the Secretary of HUD to preserve, to the extent possible, all housing within the disaster area that is supported by the Section 8, public housing, Section 202, Section 811, HOPWA, or McKinney Homeless Assistance Grant programs. Second, the Secretary of HUD is ordered by Congress to report within 4 months on the status of these housing units and the costs of repairing any that were damaged in the storms.

Nonetheless, neither of the state CDBG plans or the federal legislation include specific funding to assist in these efforts. The Lawyers’ Committee’s experience during its Disaster Survivors Legal Assistance Initiative shows that because of this, many low- and moderate-income families may have to leave the coast. As described in Attachment A, we have seen first hand the devastating impact of this lack of assistance on poor people in Gulfport, Mississippi. While holding a community workshop at the end of October, 2005, a group of African-American tenants living at Edgewood Manor, a federally subsidized apartment building, complained of conditions at the building and threats to evict them. Through our representation, the threatened evictions were stopped. But to this day, the appallingly bad conditions at Edgewood Manor continue. Just last week, one of the tenants of Edgewood Manor was interviewed on the Oprah Winfrey demonstrating these conditions and described how she still was without toilet facilities and instead must use a bucket. The HUD regional office has been unresponsive to this situation and has not pushed the owners to rehab the property. In other situations, subsidized housing owners are simply waiting to repair their properties while HUD takes no apparent steps to spur them to action. HUD can should be proactive in getting these desperately-needed subsidized properties back in use, whether by using the stick of its existing subsidized housing agreements or the carrot of bridge financial assistance to restore properties to affordable stock while owners resolve their insurance disputes.

In addition, the lack of funding in the state plans to assist in the rehabbing and rebuilding of such buildings will only exacerbate the housing crisis for low income, minority citizens. In Mississippi, the needs of low and moderate income people were overlooked despite specific recommendations in the Governor’s Commission report, which recommended, among other things, that the plan include (1) a pilot project designed to rebuild a destroyed HUD complex as a high-density, mixed use project

employing identified best practices, with HUD and CDBG funds covering affordable elements, and private developers the rest; (2) minimum standards for affordable housing to ensure that it remains affordable (by keeping utility costs down and minimizing need for maintenance); and (3) an oversight entity to oversee all aspects of reconstruction and funding coordination.

The reduction in federally assisted housing for low and moderate income persons is a failure to affirmatively further fair housing. **It is crucial that HUD in overseeing CDBG and other federal funding, and the states in their rebuilding plans, provide assistance in rebuilding and rehabbing apartment complexes providing such housing.**

C. Public Housing in New Orleans Has Been Only Minimally Restored

Six months after Hurricane Katrina, most of the public housing in New Orleans remains closed. The Housing Authority of New Orleans (HANO) has yet to announce a plan for rebuilding, rehabbing and reopening these units. Indeed, the very future of public housing in New Orleans is uncertain. At the same time, HANO announced in January that it entered into a contract with Home Depot to lease property on a public housing site even though no steps were being taken to reopen housing.

Public housing serves low income and minority tenants in New Orleans. But, the callous disregard of the housing needs of these citizens is plain. HUD has direct control over public housing in New Orleans because it placed HANO in receivership before the hurricane. **It must take immediate steps to announce and implement a plan that provides housing for public housing tenants displaced by the hurricane in a manner that promotes fair housing goals.**

D. FEMA's Failure to Affirmatively Further Fair Housing

Like all federal agencies, FEMA has a duty under the Fair Housing Act in implementing any housing program that it operates to affirmatively further fair housing. Not only has FEMA failed in this duty, but it also appears the agency is not even to be aware of it.

As discussed in a February 3 letter to FEMA from Congresspersons Frank, Waters, Watt, Davis, Scott, Jefferson, Melancon and Taylor, FEMA has failed to meet a January 13 deadline in the conference report for the Defense Department appropriations bill to submit a report setting forth guidance to be used in determining continued eligibility for housing assistance after the initial three month grant has run. Yet, more than a month and a half after that deadline and nearly a month since Congress raised this issue, FEMA still has no guidance.

We share the "exasperation" expressed in that letter. Many persons who received the initial \$2,358 for three months rent are near the end of that period and need to recertify to receive continued assistance. The lack of guidance from FEMA is a major

hindrance to the needs of such hurricane victims. It is especially galling that this lack of guidance comes in the face of an explicit Congressional requirement to produce such guidance. FEMA still has *no* transitional housing plan to ensure housing for the thousands of persons still in hotels and motels and whose assistance will expire on March 1. We have great concern that this will result in many persons becoming homeless, significantly increasing the “underclass” population of numerous cities that received displaced families after the storm. Even if FEMA has approved \$2,358 in temporary rental assistance to replace emergency hotel assistance, such a grant will be of little assistance to people located in areas where there are few or no rental units available, or where rents have may have doubled since the hurricane. In short, the present federal disaster assistance scheme has a major gap in it which is likely to greatly increase the housing crisis for victims of the hurricane.

Failing to address this problem violates the Fair Housing Act. Worse, a tragedy that brought the country face to face with its continuing problem of segregating low-income black families may end with the federal government pursuing policies that are likely to exacerbate that disastrous history.

This is a particularly pressing concern for displaced families trying to use FEMA transitional housing assistance (and the analogous HUD disaster voucher assistance program) in the Gulf Coast. Rents and utility costs have increased to such a degree that it is very difficult to find any units that a displaced family can afford to rent at the current assistance level – and those units that are available at these low rent levels are often only in the highest-poverty, depressed neighborhoods that offer displaced families the fewest opportunities to rebuild their lives. While FEMA and HUD have indicated a desire to adjust the “Fair Market Rents” (FMRs) for Gulf Coast communities that have seen market increases since Katrina, this has not happened yet, even six months after the storm. HUD has indicated that it will take at least 5-6 weeks for it to complete its survey before determining if rates need to be raised. FEMA has been looking to HUD to adjust FMRs but recently (at the trial in *McWaters v. FEMA*) that it would not wait for HUD.

This is particularly disappointing in comparison to previous disasters, such as the Northridge, CA earthquake, where in administering disaster housing assistance, HUD took steps to promote housing choices with greater opportunities for disaster victims – both by providing counseling and housing search assistance to displaced families and by affirmatively recruiting landlords outside high-poverty, segregated neighborhoods to participate in the program.

Nor has FEMA been successful in placing trailers in New Orleans to provide temporary housing, which would increase the number of people able to return to New Orleans to rebuild or rehab their homes. Much of local opposition to placing trailers has been a NIMBY mentality that has interfered with the placement of trailers. Moreover, FEMA apparently purchased thousands of mobile homes that sit unused in Arkansas because such mobile homes do not meet FEMA’s own regulations for placement in certain flood plains.

The December, 2005 appropriation required that in addition to providing written guidance on the continuation of temporary rental assistance by January 13, that a comprehensive long-term recovery plan is critical for the rehabilitation of the Gulf Coast, the conferees also charged FEMA to provide the House and Senate Committees on Appropriations with its long-term recovery plan by February 28, 2006.⁵ **Given the chaos in the emergency housing situation existing at this time, FEMA must draft such a plan forthwith and the plan must determine ways to affirmatively further fair housing as required by the Fair Housing Act.**

⁵ Both of these provisions are at page 436 of the report at http://www.rules.house.gov/109/text/hr2863cr/109hr2863_jes.pdf.

ATTACHMENT A

The Lawyers' Committee Disaster Survivors Legal Assistance Initiative

Much of the Lawyers' Committee's work has built on its network of contacts in the Mississippi Gulf Coast to directly serve the post-disaster needs of minority families. We are also working closely with the Mississippi Center for Justice (MCJ) to galvanize the *pro bono* legal community to address the vast housing and financial services needs on the Gulf Coast. As described below, the Lawyers' Committee's Initiative has taken the lead in crafting solutions to housing problems faced by low- and moderate-income families disproportionately affected by Katrina in both Mississippi and Louisiana.

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A. Grassroots Housing Assistance for Hurricane Survivors in Gulfport, MS

- **Community Rights Education Workshops.** To best support community development, avoid land loss and preserve community wealth in the Gulf Coast's historic African-American communities, the Lawyers' Committee has held four community workshops to educate low-income communities about their legal rights after Katrina. Our workshops in North Gulfport and East Biloxi have already reached over four hundred hurricane survivors in critical disaster areas, providing assistance on a range of housing issues, focusing on insurance and mortgage problems, landlord-tenant issues and FEMA benefits and housing programs available to hurricane survivors. Working with volunteer lawyers one-on-one, the workshops address these issues, and cover employment, small business and other homeowners' issues as well.
- **Meeting Minority Homeowners' Unmet Legal Needs.** We plan to expand these workshops as a vehicle for low- and moderate-income homeowners to access private and public funding sources for rehabilitation and new construction in neighborhoods severely damaged or destroyed by the hurricane. In particular, the Lawyers' Committee is working to address minority homeowners' unmet legal needs for individual representation on smaller insurance claims and mortgage disputes, which are critical to the ability of lower-income homeowners to adequately repair and maintain their homes. Since there are few legal services attorneys available on the Mississippi Gulf Coast, the Lawyers' Committee's network of *pro bono* law firms will play an invaluable role in taking on cases for individual representation.
- **Advocacy for Low-Income Tenants.** As a result of one Gulfport workshop, the Lawyers' Committee stepped in to prevent the eviction of 52 families from Edgewood Manor, a federally-subsidized apartment complex. After Katrina, the families had endured terrible living conditions stemming from the property manager's abandonment of the property. Apartments lacked heat and hot water, and some tenants' toilet facilities were inoperable. On top of these conditions, the landlord began telling tenants that they were all being evicted on October 31st. Many feared ending up homeless due to the lack of affordable housing options along the Gulf Coast. On the residents' behalf, the Lawyers' Committee and the Mississippi Center for Justice ("MCJ") have forced the landlord to cease his efforts to evict the

tenants. Now, the Lawyers' Committee and MCJ continue to represent the tenants' interests with the City and HUD, ensuring that sound repairs are made quickly, and that the tenants will not needlessly be displaced from their community. Likewise, at the Waters Mark, a 72-unit private affordable housing property, the Lawyers' Committee is representing tenants to stop the landlord from evicting all tenants – with leases running well into 2006 – on New Years' Day. With MCJ, the Lawyers' Committee has also become involved in other situations where landlords seek to evict all tenants from a development, even where units suffered relatively minor damage. The Lawyers' Committee plans to expand this advocacy on behalf of tenants across the Gulf Coast to ensure that families from low-income and subsidized housing will have a voice during the rebuilding process, and that housing damaged and lost in the storm will be repaired and replaced.

B. Legislative Advocacy and Reform

At the federal, state and local level, the Lawyers' Committee is working to promote legislation and programs that meet the needs of minority families and communities. Working with local organizations, the Lawyers' Committee seeks to incorporate affordable housing choices that connect families to job and educational opportunities into redevelopment plans for Gulf Coast communities – and to ensure that redevelopment does not displace minority communities or exclude low-income families from participation in planning processes. A key component of this effort has been legislative advocacy.

- **Promoting Affordable Housing.** With state and local groups, we are developing options to create and expand state affordable housing programs to meet, such as the creation of state affordable housing trust funds supported through either development impact fees or transfer/recording fees, and urging much-needed funding of federal housing programs in the Gulf Coast. And we are joining others in pushing to ensure that federal proposals are responsive to civil rights concerns – for example, ensuring federal rebuilding funds include proper controls to help families most in need and adjusting historic preservation funding, which could support revitalization in historic African-American communities, to meet the needs of lower-income minority homeowners.
- **Land Use Planning.** The Lawyers' Committee is also preparing options to permit the use of eminent domain and usufruct by government-sponsored enterprises in ways that will accelerate the redevelopment and renewal of New Orleans communities, but limit displacement and land loss feared by historic African-American communities.
- **Landlord-Tenant Reform.** Further, the Lawyers' Committee and others are working to address pressing needs created by the dramatic reduction in affordable housing due to the storm and dramatic rent increases which followed. These efforts include documenting the extent of the affordable housing crisis on the coast, as well as advocacy to promote more balanced landlord-tenant law, and to restrict efforts to give landlords unfettered discretion to displace tenants. In the Louisiana Legislature's Special Session in November, with others, the Lawyers' Committee worked to create a more balanced House Bill 88, which as originally drafted would have given landlords virtually unfettered rights to dispose of tenant's property without affording the tenants any notice or opportunity to salvage their personal

possessions. In Mississippi's present legislation we assisted the State NAACP in drafting several pieces of legislation including one designed to afford more legal protection for tenants. For example, currently pending in the Mississippi legislature is a bill to prevent self-help evictions, the threat of which has allowed many landlords to displace tenants in violation of their leases and the Mississippi Residential Landlord and Tenant Act.

C. Making Federal Housing Programs Responsive to Disaster Needs

The Lawyers' Committee brought the pathbreaking *McWaters* litigation against FEMA to accelerate the delivery of desperately needed housing and emergency benefits, to eliminate administrative barriers to aid, and to prevent the displacement of thousands of families from FEMA housing programs as winter approaches. Relief has included the dropping of numerous barriers applicants faced in their requests for assistance – such as the so-called shared household rule (prohibiting separated households living in separate states from both receiving assistance), eliminating the SBA loan application requirement that was simply a procedural burden irrelevant to the vast majority of applicants (and delayed FEMA and SBA's ability to serve applicants by creating a time-consuming additional step). And the suit also led to the extension of housing assistance benefits for evacuees living in hotels and motels until as late as March 1 and beyond. Just last week, the Court held a full trial in the case from February 22-24. One of the major issues raised at this hearing was the dire need for an increase in the rental fair market rates so that the FEMA temporary housing assistance is to be meaningful.

Similarly, along with other organizations, the Lawyers' Committee recently met with HUD Secretary Alphonso Jackson to discuss its disaster response, which has left numerous families displaced from public and subsidized housing on the Gulf Coast without safe, decent and affordable housing options. Issues raised at this meeting focused on the public housing situation in New Orleans, and included how HUD will implement the CDBG provisions of the December, 2005 Defense Department bill and how HUD plans to assist the rebuilding of subsidized housing lost to the hurricanes.

D. Private Housing Discrimination Against Disaster Survivors

The Lawyers' Committee is also addressing fair housing issues arising out of the hurricane. In December 2005, working with the Greater New Orleans Fair Housing Action Center, the Lawyers' Committee filed HUD complaints alleging that several websites set up to offer housing opportunities to disaster victims included blatantly discriminatory advertisements. The sites subjected families looking for housing to numerous offensive and shocking ads, including statements such as "not racist but white only," "2 bedrooms, pvt bath, use of whole home, for white family of up to 5" and "[w]e would prefer a middle class white family." The complaints seek to have the ads removed, to require non-discriminatory policies to be posted, and to establish the principle that the sites, like newspapers, must appropriately screen ads for illegal and offensive content. We will continue to work with the Fair Housing Action Center to investigate and correct instances of refusal to sell or rent to disaster survivors on the basis of race and other discriminatory reasons.

E. Ensuring Rebuilding and Redevelopment Plans Include Communities of Color

Working with local advocates in New Orleans and Baton Rouge, the Lawyers' Committee is also pressing the Housing Authority of New Orleans to make real the "right of return" for thousands of low-income families displaced by the storm – pressing for the re-opening and re-occupancy of habitable developments that were not severely impacted by Katrina, and ensuring the redevelopment and replacement units provide integrated housing opportunities near good jobs and schools rather than exacerbating the segregated housing projects. In the first public housing project to reopen, the Lawyers' Committee is working with the Greater New Orleans Fair Housing Action Center to enforce an agreement with the Housing Authority to allow residents to return to St. Thomas/River Gardens and to eliminate harassment of those who have returned.